



In the United States Patent and Trademark Office

Serial Number: 10/695,612

Appn. Filed: Oct. 29, 2003

Applicant(s): JOHN A. KARAGEORGE

Appn. Title: JAK MEASURING SYSTEM

Examiner/GAU: C. W. FULTON

Mailed: DELIVERED TO DROP-OFF

At: WINDOW ON 1/28/05

Request Under MPEP 707.07(j)

Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, pro se applicant(s), respectfully requests that if the Examiner finds patentable subject matter disclosed in this application, but feels that Applicant's present claims are not entirely suitable, the Examiner draft one or more allowable claims for applicant.

Very respectfully,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
John Anthony Karageorge

CIP Serial No. 10/695,612

Art Unit: 2859

CIP Filed: October 29, 2003

Examiner: C. W. Fulton

CIP Application Title: JAK MEASURING SYSTEM AND METHOD OF USE

REQUEST FOR SPECIAL CONSIDERATION

Assistant Commissioner for Patents
Washington, D.C. 20231

January 27, 2005

To whom it may concern:

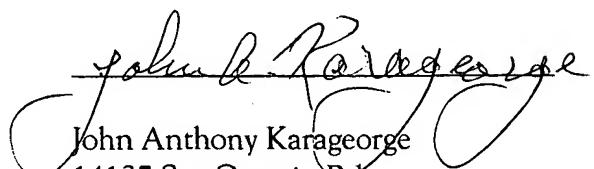
On January 25, 2005, at 11:05 pm I arrived at the drop-off window located in Crystal City to deposit a response to an Office Action on the above named patent application. It was at that time I learned that the drop-off window had moved to a new location. According to the letter posted in the window the new location is, "Customer Service Window, Randolph Bldg., 401 Dulany St., Alexandria, Va. 22314 -- Access from Ballenger Ave." I arrived at the Randolph Bldg. at approximately 11:20 pm. When I tried to enter the lobby, I noticed it was locked. An oriental female who was sitting in the lobby pointed to the electronic keypad at the side entrance. When I scanned my PTO identification, the doors did not unlock. The oriental girl let me in and I told her I was looking for the drop-off window; she said, "I don't know of any drop-off window in this building, and there is no one else here." I then walked around the perimeter of the building looking for a drop-off window. When I saw there was none, I went back to the *old location* and noticed that the posted letter also cited a drop-off location at "2900 S. Tower Bldg." When I arrived there (approx. 11:50 pm), those doors were locked also, and I didn't see any drop-off window.

My Office Action was due that night (the 25th); otherwise, it would default to the third month of extension. Depositing my OA response on the 25th was going to cost me \$225.00 in

extension fees. Since the customer drop-off window wasn't at the Randolph Building, I missed the second extension month deadline, and the fee for the third month extension is \$510.00. I shouldn't have to pay that third month fee. The reason that I don't mail my correspondences to the PTO is since I've been dealing with the PTO two of my correspondences have been lost at the PTO after being received by them. It's to the point where I feel my efforts to obtain patents on my two inventions are being sabotaged. I'm not about to start mailing my correspondences to the PTO allowing yet another avenue of possible problems to occur. I don't mind driving 150 miles to hand deliver my correspondences, because the OIPE receipt gives me piece of mind; however, when the customer service window isn't where it is supposed to be, something is very wrong.

I called Diego Gutierrez (571 272-2245) on 1/26/05 at 9:17 am to inform him of the previous night's events and left a message on his answering machine. He returned my call at 9:40 am and he connected me with Customer Service (703 308-1202). Delores Dillard of customer service told me she would check to see where the drop-off window is located and she would get back to me. I called her back two more times that day and left messages for her to call me; she never called. On 1/27/05 I called customer service and Sabrina Hopson(?) checked and told me the drop-off window was located at the Randolph Bldg., 400 Dulany St., 8th floor. I asked her if the Randolph Bldg. has two addresses. She checked again and said the drop-off window is located at the Randolph Bldg., 401 Dulany St., 1st floor, room 1B03. While we were having this conversation, Delores Dillard called me on my other phone and more or less said the same thing. What is going on over there? I'm going to try and deposit this request and my OA response (again) on 1/28/05 -- I hope the drop-off window is located where they said it would be.

Sincerely,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
John Anthony Karageorge

CIP Serial No. 10/695,612

Group Art Unit: 2859

CIP Filed: October 29, 2003

Examiner: C. W. Fulton

For CIP Application Title: JAK MEASURING SYSTEM AND METHOD OF USE

REQUEST FOR RECONSIDERATION

Assistant Commissioner for Patents
Washington, D.C. 20231

January 25, 2004

Sir:

In response to the non-final Office Action mailed August 25, 2004, please consider the following arguments as set forth below:

Regarding the claims:

1. Rejection of claims #1 - 15. (Ueki patent #5,875,557 in view of Engel patent #1,497,492)

A. In reference to the Office Action argument #5, Ueki modifies the US foot, **not** the entire US linear system, to conform to the metric system; the JAK-Measuring System (hereinafter referred to as the "JMS") modifies **both systems** in their entirety to **different standards**.

B. The only similarity between the JMS (all references to JMS measuring elements will be prefixed with "JAK" [JAK-inch, JAK-foot, etc.]) and the "Ueki" system is the Ueki system has 30 centimeters equaling 1 Ueki-foot, whereas the JMS has 29.9792458 centimeters per JAK-foot (30 JAK-cm per JAK-foot); that is the only **vague similarity** between the two systems. The differences between the two systems are substantial: The Ueki system has 2.5 centimeters per

Ueki-inch, the JMS has 2.99792458 centimeters per JAK-inch (3 JAK-centimeters per JAK-inch); the Ueki system has 12 Ueki-inches per foot, the JMS has 11.802852677165 US inches per JAK-foot (10 JAK-inches per JAK-foot); the Ueki system has 5,364.48 Ueki-feet per US mile (1.609344 km per US mile), the JMS has 4,917.8552821522309 US feet per JAK-mile (1.49896229 km per JAK-mile), 5,000 JAK-feet per JAK-mile (1.5 JAK-km per JAK-mile).

The connotation implied by "obviousness" is that the end result yields an anticipated outcome; clearly, none of the figures produced by the JMS would be beneficial to Ueki in his quest to teach an ease of conversion. You simply cannot obtain the Ueki objective of teaching an ease of system conversion with these figures; therefore, it is clear that Ueki *did not* anticipate the JMS. In reiteration: Ueki modifies the US foot, *not* the entire US system, to conform to the metric system; the JMS modifies *both* the US linear and the metric system to *different standards*.

C. If the portion of the JMS that is considered similar to the Ueki patent by the current Office Action would have been obvious to Ueki, he would have dropped his application and applied for a patent on that portion of the JMS because the JMS is clearly a better system which satisfies Ueki's objective of system-conversion-teaching plus much more. If he didn't take that course of action because he thought a patent would have been denied (for whatever reason), then he obviously didn't anticipate *another aspect* of the JMS (changing the size of the elements of the metric system).

D. Concerning the Engel patent, I draw your attention to the JMS application page 3 paragraph 10: "The primary difference distinguishing this invention from most if not all other measuring inventions is the prior art uses the *same size* inch, foot, mile, centimeter, kilometer, etc." While Engel subdivides the standard US inch into many different fractions in an attempt to cover all possibilities, he does *not* attempt to change the *size* of the inch, foot, or mile; therefore, Engel clearly does not anticipate that *aspect* of the JMS nor its advantages.

E. Engel does not teach the base-10 system as claimed by the Office Action (top of page 4); he simply subdivides the US inch into many fractions, "1/10" being one of them: To qualify as a base-10 system all elements of said system must conform for unity between hierarchical levels. It

is a ***misstatement*** to say that Engel is teaching the base-10 system. Engel also shows ***no intension*** of changing the US linear system to a base-10 system; therefore, it would not have been obvious to anyone of ordinary skill to extrapolate the teachings of the combination of Ueki and Engel to modify both the US standard and metric system to another scale to conform all the well known scales for uniform use and conversion as stated in the Office Action argument #5.

F. The JMS replaces two old established major systems (US linear and metric) of which the Engel patent simply improves upon through means of superficial augmentation. Since the JMS changes the size of all of the basic elements that are found in those established major systems, it is ***not simply improving upon prior art***, it is ***replacing the prior art***.

2. Rejection of claims #16 - 20. (Ueki, Engel, and further in view of Fressola patent #5,617,332)

A. In reference to the Office Action argument #6: In ***no way*** does the JMS system change any of the astronomical measuring systems (the distance-per-time system [light-years, etc.], the parsec measuring system, nor the astronomical unit system [AU]); therefore, the JMS would ***not be obvious*** to anyone in that scientific field nor anyone who measures very large distances.

B. In response to the Office Action argument #6: "Fressola teaches the standard relationship between the speed of light and the standard scales." It can be argued that Mr. Fressola is an expert in his field at least to the point that encompasses his patented invention (Stereographic imaging of celestial objects). He would have to be well versed and knowledgeable when it comes to measuring systems in order to create such a sophisticated state-of-the-art invention -- certainly more-so than the ordinary layman of astronomy. However, despite his expertise, he makes some serious mistakes! Mr. Fressola uses a complex interstellar measuring unit known as a parsec when describing his invention (see bottom of column 5 in the Fressola patent). My references tell me that a parsec equals 3.26 light years; however, he states in his patent that a parsec = 3.259 light years (yielding a difference of 1/1000 of a light year or 5.878 billion miles which is 31,556.9 light seconds [Pluto is only 4 billion miles from our Sun]).

C. Mr. Fressola goes on to explain that Alpha Centauri, our nearest star neighbor, is 1.295 parsecs from earth. Here again he makes a noteworthy mistake. All references that I have checked reveal that Alpha Centauri is 4.3 light years from earth; $4.3 / 3.26 = 1.319$ parsecs (this yields a difference of 0.0240184049 parsecs [460.286 billion miles or 2,470,907.3 light seconds]).

D. Mr. Fressola continues by stating: "Since light travels 186,300 miles per second (approximately 300,000 kilometers per second), a light year is equal to approximately 5.9×10^{12} miles (9.47×10^{12} kilometers)." It is difficult to determine whether or not Mr. Fressola knows the exact speed of light in miles per second (186,282.39705); when using approximations one must be explicitly consistent in order to avoid ambiguity. He wraps-up that line of thought by stating: "Thus the closest star to the earth is approximately 19.2 trillion miles (30.9 trillion kilometers) away." Here again he makes a *mistake*; this time a *huge blunder*: Alpha Centauri is 25.27 trillion miles away (40.68 trillion kilometers). Mr. Fressola is only off by about 25%; I guess it's close enough for the patent office. This is not just shoddy work; it's embarrassing. I hope any arithmetical algorithms he may have in his patented program invention are correct.

E. I find it absolutely amazing that the PTO could miss a series of mistakes such as these and grant Mr. Fressola a patent while at the same time use his piece of work to rebut my precision measuring system invention. (A margin of error of $\pm 0.000001\%$ *may be* tolerable in astronomy but certainly *not* $\pm 25\%$.) It should be apparent to anyone that if Mr. Fressola had known about the JMS at the time he submitted his patent application, he would have had an accurate assessment of calculating interstellar distances since the JMS provides a *simplified conversion ratio*. This demonstrates that there is a *definite need* and place for the JMS in science. Clearly, Mr. Fressola would benefit from the JMS.

F. To further expound upon the response to argument #6, I draw your attention to paragraph 7 of the JMS application page 3 which states: "The speed-of-light measuring unit (the *light-year*) was developed to aid in the measuring of astronomical distances for interstellar astronomy"; it was not intended for minute precision measurements (fraction of an inch, etc.) as is the case with the JMS system. The JMS is a practical system that is designed for everyday use

in today's world by everyone from students to builders to scientist and which may even have some valuable use with the *Unification Theory* if ever it is formulated. The JMS is not based on the speed of light; it merely aligns with the speed of light at the lowest incremented light system unit (the light-second); however, it is based on the base-10 root system. In reiteration: In ***no way*** does the JMS system change any of the astronomical measuring systems (the distance-per-time system [light-years, etc.], the parsec measuring system, nor the astronomical unit system [AU]); therefore, the JMS would ***not be obvious*** to anyone in that scientific field nor anyone who measures very large distances.

G. In January '04, the "PBS" aired two programs on the "Mars Mission Program." During the first program they said, "... of all the missions sent to Mars approximately one-half fail for one reason or another." They continued by saying that one of those missions failed due to human error: "... a scientist made a mistake while converting between metric and US linear." That one mistake cost from \$500 million to one billion dollars and set the scientific astronomy community back years in time. Here again is another ***blatant example*** showing a ***definite need*** for the JMS.

3. Rejection of the JMS by prior art noted but not relied upon. (Snyder patent #5,519,943)

A. In response to the Office Action argument #7: "Snyder discloses modifying a known scale by a defined percentage." Since every number and every measurement is a fraction / percentage of any other number or measurement, this Office Action argument is in effect saying no other measuring system can ever be patented. This obviousness rejection is unreasonable and should be disallowed. If the OA's line of reasoning is upheld, then every ruler and measuring device since the very first would have been anticipated by the original inventor making all patents of their particular type null and void.

Conclusion

A. The numerous advantages that the improvements of the JMS provide are beyond the

scope of the individual patents of which it improves upon; therefore, it could not have been obvious to the individual inventors at the time they conceived and patented their inventions, nor would it be obvious to anyone of ordinary skill in that field due to the multifaceted improvements offered by the JMS: The 10" foot, 5000' mile, 1.5 kilometers per mile, etc., is all unanticipated, novel, new matter.

B. Until the *Unification Theory* is perfected, there is absolutely **no need or reason** for comparing elements of the very large scale (solar systems, galaxies, the universe) with elements of the very small scale (atoms, molecules, etc.); therefore, the JMS would not be obvious to those of ordinary skill in the art of measuring systems.

C. The Conversion Act of 1975 committed the U.S. to the increasing use of, and voluntary conversion to, the metric system of measurement. Since then, the US has been trying to teach its citizens to convert to the metric system; however, as of yet no easy solution to metric conversion has been found. The JMS accomplishes that quest.

D. Since the JMS's intrinsic advantage of ease of conversion between two systems (the JMS-linear and JMS-metric) are accomplished by **improving upon both systems** and not just one, it teaches away from prior art.

E. The **ingenuity** of the JMS is that while it improves upon two existing measuring systems directly, it also improves upon the speed-of-light measuring system **extrinsically** by simplifying conversions between all three systems thereby **fulfilling a need for simplicity** and **satisfying a need for harmony**. The combined effect of the various improvements encompassed by the JMS yield a result that could not have been anticipated by any one of the individual inventors whose inventions have been improved upon. Likewise, the JMS couldn't be anticipated by anyone in the field of astronomy because the JMS does not change any of the various astronomic measuring systems.

F. Please correct me if I am wrong here for I am a student of logic, and logic dictates that the **obviousness clause** was created to **protect inventors** who may have overlooked an obvious but

obscure aspect of their invention when it was patented. It was not intended to be exploited by the PTO and used as a deterrent to prohibit selected bona fide inventions from being patented; for the mission of the PTO is to *expedite the patent process* by aiding and assisting inventors in their quest to patent new, legitimate inventions for the advancement of science and society -- if this is not the mission of the PTO, then it should be.

Obviousness by John A. Karageorge

Obviousness stems from commonplace, and commonplace stems from experience. Any thought that is built upon another can be argued to be obvious (logical deduction); however, if the *end result* reached by that compound process has a *specific, useful purpose*, and until it has been expressed, it cannot be deemed obvious, hence the patent process.

Classic Arguments Supporting the JMS

1. *Misunderstood reference:* Ueki *nor* Engel teach the base-10 system: see above -- Argument #1 A - F.
2. *Strained interpretation:* The advantages that the JMS provides to the scientific community are *extraneous*: see argument #2 A, F.
3. *Teaching away from prior art:* *two systems are improved upon:* see argument #1 A - F, Conclusion D.
4. *Unappreciated advantage:*
 - A. Ueki does not realize the advantages of the JMS for his purposes: see Argument #1 A, C;
 - B. The *scientific field* has no intrinsic need for the JMS as of yet: see Conclusion A, B, E;
 - C. Fressola does not realize the advantages of the JMS for his purposes: see Argument #2 D, E.
5. *Lack of implementation:* If the advantages produced by the JMS were obvious, those skilled in the art would have implemented those advantages by now: see Argument #2 G, and Conclusion C.
6. *Solution of long-felt and unsolved need:* see Argument #2 B -G, and Conclusion C.
7. *References are individually complete:* There would be no need to combine parts from the Ueki and Engel patents by anyone of ordinary skill: see argument #1 B - E.
8. *Modifications necessary:* It would be necessary to make modifications, *not taught* in the prior art, in

order to combine the references in the manner suggested: see argument #1 A, B, D, E..

9. Synergism: Since the JMS changes the sizes of both the US linear and the metric systems and since it has extrinsic advantages for the scientific community, it achieves synergy: see argument #2 A, F, and Conclusion E.

Respectfully submitted,


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